

JAN 28 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KELLY DAVID ANKENY, Sr.,

Defendant - Appellant.

No. 08-30296

D.C. No. 3:04-CR-00005-MO

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Oregon
Michael W. Mosman, District Judge, Presiding

Submitted January 20, 2009^{**}

Before: O'SCANNLAIN, SILVERMAN and BYBEE, Circuit Judges.

Appellant's unopposed motion to consolidate the record in this appeal with
the record in appeal No. 05-30457 is granted.

^{*} This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

Appellant's unopposed motion for summary affirmance of his sentence, dated October 30, 2008, is granted.

Accordingly, we summarily affirm the district court's judgment.

AFFIRMED.